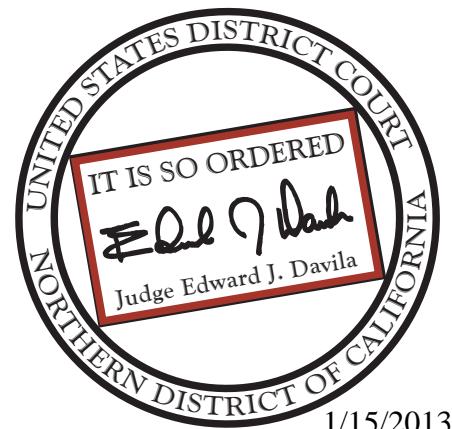


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7



9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 CHARLES DIEHL,

14 Plaintiff(s),

15 v.

16 CITY OF SAN JOSE, et al., and
DOES, 1-20 inclusive,

17 Defendant(s).

18 Case Number: CV11-03777 EJD

19 **STIPULATION OF DISMISSAL**

20 (Fed R Civ P 41(a)(1))

21 IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rules of Civil
Procedure, Rule 41(a)(1), by and between Plaintiff Charles Diehl and all Defendants who
have appeared in this action, as follows:

22 1. This action was commenced on or about August 1, 2011.

23 2. The action is not a class action; a receiver has not been appointed; and the
action is not governed by any statute of the United States that requires an order of the
court for dismissal.

24 3. This action is hereby dismissed, in its entirety, with prejudice.

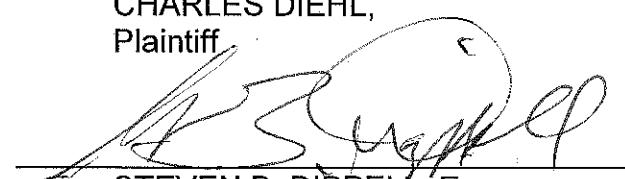
1 4. Each party is to bear their own costs and attorneys' fees.
2 The Clerk shall close this file.

3 Dated: 01-09-2013



CHARLES DIEHL,
Plaintiff

6 Dated: 1/14/13



STEVEN B. DIPPEIL, Esq.,
Counsel for Defendants

CERTIFICATE OF SERVICE

CASE NAME: Diehl v. Yu, et al.,

CASE NO.: CV11-03777 EJD

I, the undersigned declare as follows:

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the county where the service described below occurred.

On January 14, 2013, I caused to be served the within:

STIPULATION OF DISMISSAL

- by MAIL, with a copy of this declaration, by depositing them into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated above.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

Addressed as follows:

Charles Diehl
14814 Rossmoyne Drive
San Jose, California 95124

Plaintiff, In Pro Per

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 14, 2013, at San Jose, California.

Alice Shore
Alice Shore